IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.M.No. 13889-CII of 2006
and C.R.No. 5514 of 2005

Date of decision : 14.9.2006.

Mohinder Singh.

.....Petitioner.

Versus

Bharat Sanchar Nigam Ltd.& Anr.

.....Respondents.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr.T.P.S.Sandhu,Advocate
for the petitioner.

Ms. Pooja Satija, Advocate
for Mr.Anil Rathee, Advocate
for the respondents.

****

VINOD K. SHARMA,J.(ORAL)

C.M.No. 13889-CII of 2006

For the reasons stated in the application the order dated 7.7.2006 is recalled and revision petition is restored to its original number.

C.R.No. 5514 of 2005

This revision petition has been filed against the orders passed by the learned Courts below declining the injunction to the petitioner against the installation of tower near the house of the petitioner.

The learned Courts below have come to the conclusion that the telecommunication tower was being installed by the respondent near the house of the petitioner to provide better communication facility to the

general public. The site was selected by the officials of respondent after inspecting the spot. The learned Courts below came to the conclusion that no material has been produced to prove that installation of tower in question would harm the health of his family or would be a source of nuisance to his family. The learned counsel for the petitioner contends that once panchayat opted to provide alternative land the learned Courts below should have granted injunction in favour of the petitioner. This contention of the learned counsel for the petitioner cannot be accepted as it was for the officials of the respondents to select a site which was most suitable and merely because Panchayat has offered a land would not entitle the petitioner to seek injunction. The other contention of the learned counsel for the petitioner that the generators have to be installed which are likely to cause pollution is also of no consequence as there is no material on record to support this contention.

Therefore there is no error or illegality in the order passed by the Courts below which may call for interference by this Court under Article 227 of the Constitution of India.

Dismissed.

September 14,2006 **(VINOD K. SHARMA)**
'sp' **JUDGE**